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DEC 08 2005

In re Application of	:	OFFICE OF PETITIONS
James A. Kliegel	:	
Application No. 09/654,214	:	
Filed: September 1, 2000	:	ON PETITION
Title of Invention:	:	
METHOD OF ANALYZING AND	:	
COMPUTING ANISOTROPIC	:	
TURBULENT FLOWS	:	

This is a decision on the Petition to Revive, filed October 5, 2005. The petition is properly treated under 37 CFR 1.137(b).

The petition is **dismissed.**

Any further petition to revive the above-identified application (under 37 CFR 1.137(b)), must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under 37 CFR 1.137", and be addressed to Petitions Attorney Derek L. Woods. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed December 21, 2004. The Office action set a three (3) month period for reply. No reply having been filed, the application became abandoned on March 22, 2005. A Notice of Abandonment was mailed on June 30, 2005.

The instant petition

Applicant files the instant petition and Amendment. Applicant is advised that the Examiner has reviewed the Amendment, and has concluded that the Amendment raises new issues and thus fails to place the application in condition for allowance.

Applicable Law, Rules & MPEP

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed); (2) the petition fee required by 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) if required, a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)).

This petition lacks item (1) above. The Amendment fails to place the application in condition for allowance. Accordingly, the required reply has not been submitted. Applicant may wish to consider filing a Request for Continued Examination in order to have the Amendment as filed, considered.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions